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Realms of spies, realms of trust

The question of whether American scholars, clergymen, and journalists can be put in the undercover service of the Central Intelligence Agency is one that, once asked, must be answered categorically. And the answer, however tempting it may seem to hedge it around with subtle distinctions and emergency exemptions, must be a flat no.

CIA Director Stansfield Turner, speaking at the convention of the American Society of Newspaper Editors in Washington, gave the wrong answer. "We fully share the recognition that journalism, religion, and academia have a special importance in our country," he said. "At the same time we recognize that there may be unusual circumstances in which an individual who is also a member of one of those professions may be used as an agent."

This drew attention to the fact that Mr. Turner had revised the flat prohibition on using scholars, clergy, and journalists as clandestine agents that his predecessor at the CIA, George Bush, had imposed. Now the regulation permits the CIA director to make exceptions and Mr. Turner had done so at least three times already. Though in no case did the CIA actually go through with the operation, it is fair to ask how often the "unusual circumstances" of which Mr. Turner spoke have to occur before they are considered commonplace.

In this field, the exception itself destroys the rule. The ban on recruiting clergy, scholars, and journalists must be absolute or it is nothing. Its whole point is simply to mark out three institutions within our society which, for special reasons, we choose not to corrupt with the suspicions, fears, and betrayals that inevitably attend the business of espionage. And if this commitment is qualified or made ambiguous, mistrust will have a place to insinuate itself.

Foreign espionage and counterintelligence have always sat restlessly with the American spirit. George Washington employed spies during the Revolutionary War. In private, he allowed that he thought espionage was of critical importance. But his effectiveness as a spymaster was not something he bragged about openly. This century, Herbert Hoover's Secretary of State Henry Stimson tried to dismantle the country's code-breaking establishment, huffing that "gentlemen do not read each other's mail." International turmoil soon got the better of the code of gentlemanliness, and the secret bureaucracy was revitalized.

Espionage is a troubling adjunct to the American constitutional order because it creates a murky, deceptive world in which all the daylight virtues of truth and integrity and humaneness become warped into liabilities. Espionage trusts no one, and it cannot be trusted. It is antithetical to the usual processes of an open society, and yet it protects the very possiblility of openness that it cannot tolerate in its own affairs.

It is foolish to claim that a free society in an amoral world, facing ruthless adversaries, must not engage in this paradoxical behavior that denies what it defends. But it does not necessarily follow that because our adversaries reject the values that cause us discomfort with the techniques of espionage, we must put aside all our qualms. A balance must be struck between our ideals and the imperatives of living in a world that does not share them.

Scholarship, journalism, and religion have traditionally had special protection against government interventions. Not only have they been seen as particularly vulnerable, but also as specially important. They are realms of inquiry after truth, realms of trust and faith.

Nothing could do more damage to the work of these three professions than the suspicion that they are entangled in the secret network of espionage. For them, distrust destroys.

This is why they must be marked off as immune. It is not that journalists, clergymen, and scholars have no duty of patriotism. It is that their unhindered work serves the nation in a way that overrides the temporary advantage that may be gained by using them as undercover intelligence agents.

Reestablishing the Bush prohibition does not mean that all the usual reporter-source contacts between journalists and CIA officials must be forbidden. Nor does it mean that the CIA should turn away information volunteered to it in extreme cases by individual scholars, clergymen, or journalists. It only means that continuing relationships in which the members of these professions become the CIA's agents and also the use of these professions for cover should be barred.

New legislation is not required in order that this be done. It need not be chiseled into constitutional jurisprudence. But now that the question has been raised, it is the duty of the intelligence community to answer it unequivocally, to exercise self-restraint, and to make it plain that American scholars, clergy, and journalists are to be recognized for what they are, and not regarded with suspicion as people who may be moonlighting for the CIA.